



Delaware Real Estate Commission Newsletter

Volume 3 Issue 2

August 2002

ATTN: NONRESIDENT LICENSEES RENEWAL TIME IS NEARING

Delaware Real Estate Commission Members

John R. Giles
(Chairperson)
Joseph P. Connor, Jr.
(Vice Chairperson)
Marcia Shihadeh
(Secretary)
Judy L. Bennett
Harry W. Kreger
James D. McGinnis
Mary B. Parker
Marvin R. Sachs
James D. Weldin

Administrative
Specialist
Joan O'Neill

Please contact the
Commission office
within the Division of
Professional Regula-
tion at 302-744-4519
for any licensing infor-
mation or visit our
website at [www.
professionallicensing.
state.de.us](http://www.professionallicensing.state.de.us)

Those licensees who hold nonresident licenses will need to renew their licenses by the expiration due on April 30, 2003. Fifteen (15) continuing education credits in courses pre-approved by the Delaware Real Estate Commission are required to renew the license. Credits completed to meet renewal requirements of other jurisdictions are rarely acceptable for Delaware credit. Of the 15 credits due, six are mandatory credits. All licensees must complete a three (3) hour legislative update course pertaining to either Delaware or federal real estate law issues. In addition, all bro-

kers must complete the three (3) hour mandatory broker's core course, and all salesperson licensees must complete the three (3) hour mandatory salesperson's core course. You will find a list of approved course providers on the Commission's web page. Please see page 3 of this publication for the web site address. Notices for renewals will be sent out during March 2003. In order to continue your nonresident Delaware license without interruption, it is suggested that you submit a renewal by April 20, 2003.

Sincere Thanks to the Education Committee of the Delaware Real Estate Commission by Mary B. Parker, Exiting Chairperson

Chapter 29 of 24 Delaware Code defines the objectives of the Real Estate Commission. The primary objective is to protect the general public "from unsafe practices, and from occupational practices which tend to reduce competition or fix the price of services rendered". The secondary objectives are "to maintain and establish minimum standards of licensee competency, and establish and maintain certain standards in the delivery of services to the public".

The Education Committee, which is appointed by the Commission, is a valuable asset in meeting the objectives, particularly the educational objectives of the Commission. This committee monitors the content of all licensing courses for both salesperson and broker candidates. The committee recommends and monitors continuing education programs offered to fulfill the educational requirements for obtaining and maintaining licensure in Delaware. The Education Committee recommends the number of credit hours for which courses should be certified. They re-

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Commission Elects New Slate of Officers

Each year at its June meeting in accordance with 24 **Delaware Code** § 2903, the Commission holds the election of new officers who begin serving through June of the following year. This year's elections saw John R. "Jack" Giles, Professional Commission Member from New Castle County, elected as Chairperson replacing Mary B. Parker, Public Commission Member from Kent County; Joseph P. Connor, Jr., Professional Commission Member from Sussex County, elected as Vice Chairperson replacing Marvin R. Sachs, Professional Commission Member from New Castle County; and Marcia Shihadeh, Public Commission Member from Sussex County, elected as Secretary replacing Joseph P. Connor, Jr.



Comments from Mary Parker who recently completed a one year term as Chairperson of the Delaware Real Estate Commission . She has served as a public member of the Commission since September 1997 and was re-appointed to a second three-year term by Governor Minner during November 2001.

In my other life, I am the proud mom to two beautiful and wonderful girls and, professionally, I am a Human Resources Manager for the State of Delaware.

While I have served on many committees and task forces, the last year as Chairperson of the Real Estate Commission has been most challenging and rewarding. I have come to realize a much greater appreciation for the business of real estate and the responsibilities of the Chairperson of the Real Estate Commission.

The obligations of this Commission reach the lives of a majority of Delawareans. Therefore, this is not a public service responsibility to be taken lightly. Fortunately, I can rest assured that I am teamed with a most competent and reliable group. Every decision we make is thought out thoroughly. I'm proud and please to serve with them, and I'm thankful I've found such wonderful support and friends as well.



I want to thank the members (past and present) of the Real Estate Commission, the Education Committee and their Administrative Staff, and the Deputies Attorney General with whom I've had the pleasure of serving. I couldn't have signed my name to anything without the support of all of you. And, last but certainly not least, I want to thank Joan O'Neill, our Administrative Staff, who gives countless hours and much dedication to keep us consistent and on track. She's been a tremendous source of knowledge, wisdom, and support, and I truly appreciate that.

I look forward to continuing to serve Delaware in my capacity as a public member of this Commission.

Education Committee(Continued from page 1)

view all applications of providers of licensing and continuing education credit as well as applications for instructor certification, to insure that all applications satisfy the requirements set forth in the Education Guidelines of the Commission.

If these tasks are not time-consuming enough, the Education Committee undertakes other duties and responsibilities as directed by the Commission from time to time. In the last year, the Education Committee researched and made recommendations on distance learning, core course requirements and instructor evaluation reviews, to mention a few. They also help with the administrative functions of the Annual Seminar. And we very much appreciate their contribution.

The Committee is comprised of twelve members, four from each county. Three members are public members and the remaining members are professional member

who hold valid Delaware real estate licenses.

Currently, the following are members of the Education Committee: Eugene Millman, Professional Member, Chairperson; John Osborn, Professional Member, Vice Chairperson; Sal Sedita, Professional Member; William E. Ward, Esquire, Public Member; Richard Nelson, Professional Member; Sam Murdock, Professional Member; Carol Burns, Professional Member; M. Glenn Byrum, Jr., Professional Member; Melanie Fair, Professional Member; Frank Serio, Professional Member; Denise L. Tatman, Public Member.

Victoria L. Gingrich of the Division of Professional Regulation provides administrative support to the Committee.

Thank you all for your time, dedication, commitment and hard work. Without your valuable contribution it would be very difficult for the Commission to fulfill its obligation to the Delaware Code.

IN THE KNOW

As announced in our January 2002 issue, the Division of Professional Regulation has successfully linked the Delaware Real Estate Commission to the world wide web and **you are invited to visit our web page at <http://www.professionallicensing.state.de.us/boards/realestate/>**.



Here you will find the license law (Delaware Code) and the current rules and regulations, licensing and continuing education information, forms, faq's and also, in the future, bulletins, as we intend to discontinue sending out this newsletter in the interest of saving trees and of budgetary considerations as postal fees continue to rise. We have had many favorable comments regarding the newsletter, so we hope you will remember to check the website regularly to keep current with issues concerning the activities of the Commission.

Among the items you will find on our web site is the **correct procedure for filing a complaint**. The complaint process administered by the Division of Professional Regulation is governed by 24 Del. C. § 8810 (h). The Commission frequently receives anonymous complaints, both in writing and by phone, and cannot process such complaints. If you are seriously concerned about the conduct of a fellow licensee, then you must follow the complaint process set by law to afford the Division the opportunity to investigate the matter. Your complaint must be submitted in writing and it must be signed. A complaint form is now available for printing from the division's web site.

In today's world where identity issues have moved to the forefront, it is especially important to **handle legal documents with care**. Your license is a legal document. When you request a change of status or the license information must be altered to accommodate an office relocation or a legal name change, we must have your current license and walletcard returned to the Commission in order to issue a new document. While this step may seem to present an inconvenience, it is taken to ensure the integrity of your license. Obsolete and expired licenses should be destroyed by shredding as one would cut up a credit card to prevent any possibility of misuse. The broker is the custodian of licenses issued by the Commission, and while the broker gives each associate a walletcard, the license must remain in the hands of the broker of record for your office until it is returned to the Commission. Please remember to include the license where noted on the forms and instructions so that your request may be processed promptly. Review items you send to the Commission office for completeness. Incomplete applications or requests cannot be processed and will be returned delaying receipt of the new license.

Effective on July 1, 2002 the Division of Professional Regulation instituted a new **fees collection** policy. In the future, all applications will be accompanied by a nonrefundable prorated license fee coinciding with the month in which the application is filed as well as the Guaranty Fund fee of \$25.00. A fees schedule denoting the prorated fees will be made available on the website.

Commission 2002 Meeting Dates

- **September 12, 2002**
- **October 10, 2002**
- **November 14, 2002**

Is Your Advertising in Compliance with the Rules and Regulations?

In January of this year the Commission's newly adopted revised advertising rule became effective. To review the most current version of the rules and regulations, you need only connect to the Commission's website at:

<http://www.professionallicensing.state.de.us/boards/realestate/>

Anytime a new rule becomes effective, it will always be accessible from the link on the web page. For those of you who have not taken the time to review the Advertising Rule, it is printed out below.

7.3 Advertising

7.3.1 Any licensee who advertises in newspapers, the Internet, or any other media, real property personally owned or real property in which the licensee has any ownership interest must include in the advertisement that he or she is the owner of said property, and that he or she is a real estate licensee. This subsection does not apply to signs.

7.3.2 Any licensee who advertises on signs, newspapers, the Internet, or any other media an offer to purchase real property must include in the advertisement that he or she is a real estate licensee.

7.3.3 Any licensee who advertises, by signs, or in newspapers, the Internet, or any other media, any real property for sale, lease, exchange, or transfer that is listed with a broker must include in legible print in the advertisement the complete business name that has been registered with the Commission, and office phone number registered by the broker of record with the Commission for that office location. Nothing contained herein shall preclude the listing of additional phone numbers. All such advertising shall also contain language or abbreviations that clearly identify each phone number listed; examples include, but are not limited to: "Office"; "Home"; "Res."; "Car"; and "Cell".

7.3.4 All advertisements for personal promotion of licensees must include the complete business name that has been registered with the Commission, and office phone number registered by the broker of record with the Commission for that office location.

Remember *BROKERS*, under Rule 1.3 you are responsible to see that your associates are in compliance with the rules and regulations of the Commission.

1.3 Responsibility

1.3.1 It is the responsibility of the employing broker to insure that the rules and regulations of the Commission are complied with by licensees. Every broker is responsible for making certain that all of his or her sales agents are currently licensed, and that their agents make timely application for license renewal. A broker's failure to meet that responsibility may result in a civil fine against the broker of up to \$ 1,000.00 per agent.

Commissioner Connor Elected to ARELLO Board of Directors

Commissioner Joe Connor has taken an active role in the Association of Real Estate License Law Officials (ARELLO), most recently being elected to serve on the Board of Directors of the organization at the Eastern District Conference held during May in Atlantic City. Commissioner Marcia Shihadeh was also in attendance at the meeting. In April Mr. Connor joined former Chairperson Mary Parker in Fort Worth for the ARELLO Mid-Year Meeting. ARELLO exists to help states and international juris-

dictions share ideas and experiences that affect the real estate industry and its regulation. Some of the "hot" topics of late have been mold remediation, license portability and the ever changing nature of cyber space and its effect on regulation. ARELLO is presently cooperating with the National Association of Realtors (NAR) in a survey of NAR member licensees concerning their perception of the effectiveness of regulation and their experiences with the regulatory process. Mr. Connor will be attending the International Annual Conference of ARELLO to be held in Kansas City, Missouri in October.

Disciplinary Actions Taken By The Commission

02/14/02 **Christine Bentley**, Resident Salesperson: Violation of 24 Del.C. § 2912(a)(12) (engaged in improper conduct and dishonest dealing) - 1 Year Probation; Complete 12 hours of Continuing Education as 9 hours in ethics and 3 hours in contracts; Civil Penalty of \$500.00; As a condition for removal of the Probationary Status at the end of one (1) year, there shall be no pending complaints or disciplinary matters against Ms. Bentley.

04/09/02 **A. Matthew Foraker**, holder of a **Suspended Resident Salesperson's** license: entered a plea of guilty to practicing real estate during the time that the Commission had suspended his certificate of registration as a resident real estate salesperson by its Order made on 06/21/01 - **SUSPENDED** 4 Years. As a condition of reinstatement, Mr. Foraker is ordered to comply with all terms and conditions of the Commission's previous Order of 06/21/01. He is ordered to complete the preclicensing course within the one (1) year preceding his application for reinstatement. Further as a condition of reinstatement, there shall be no pending complaints or disciplinary matters against him. Following any reinstatement he will be placed on probation for a one (1) year period during which he must deliver to the Commission quarterly reports as signed and approved by his supervising broker on all completed transactions and active listings.

Salesperson Harry W. Kreger Serving on Commission

Mr. Kreger was appointed to the Delaware Real Estate Commission by Governor Ruth Ann Minner in November 2001. He has been a Realtor since becoming licensed in June 1996 and has been associated with Connor Jacobsen Realty in Bethany Beach as of that time. He is also serves as a member of the Education Committee at the Sussex County Association of Realtors.

Harry is originally from a small farm town in southwestern Minnesota, an area similar to the rural area of southern Sussex County. After a 34 year career with the Department of Defense, Harry and his wife Irmie moved to Ocean View in January 1996. They have four sons and six grandchildren.



His designations include Accredited Buyer Representative, Graduate of Realtor Institute and Seniors Real Estate Specialist. He also has a bachelor's degree in Business and Economics and a master's degree in Management and Supervision.



PLEASE SHARE THIS NEWS WITH YOUR ASSOCIATES

**THE COMMISSION WILL PUBLISH ALL FUTURE
NEWS BULLETINS ON ITS WEB PAGE AT**

www.professionallicensing.state.de.us/boards/

Broker Education Under Review by the Commission

During the year 2000, the Real Estate Commission created a three (3) hour required Broker's course for continuing education credit for the license renewal due by 04/30/2002 for resident broker licensees and by 04/30/2003 for nonresident broker licensees. After piloting the course, the Commission has modified and improved the content of the course as it will be made available for the next renewal cycle ending 04/30/04 for resident brokers and 04/30/05 for nonresident brokers. The new format will be a day-long, six (6) credit hour program, covering several issues including legislative update.

The Real Estate Commission believes that broker managers in the current marketplace need to be

fully qualified and adequately prepared to manage an office. Although not all broker licensees manage offices, by virtue of the license, they are entitled to assume that role, and the Commission believes all broker licensees must therefore be prepared for whatever course his or her career may take.

The Real Estate Commission is looking into the possibility of implementing a mechanism whereby an individual holding a broker license who does not wish to participate in the full extension of the broker's license may exchange the license for a lesser designation. This could mean forfeiting the broker designation for a sales license.

We will keep you advised of the progress in this regard as we continue to measure the success of the updated broker education requirements. Once the Commission has resolved the issue of the broker continuing education, it will be reviewing the content of the broker licensing course.